§ 236. Creation, personnel. 1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation and, where authorized: (a) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (b) to adjudicate the liability of owners for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (c) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (d) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or (e) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter

imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or (f) to adjudicate the liability of owners for violations of section three hundred eighty-five of this chapter and the rules of the applicable covered agency or covered authority as such terms are defined in article ten of this chapter in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, or (g) to adjudicate the liability of owners for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (h) to adjudicate the liability of owners for violations of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter. Such tribunal, except in a city with a population of one million or more, shall also have jurisdiction of abandoned vehicle violations. For the purposes of this article, a parking violation is the violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle. In addition for purposes of this article, "commissioner" shall mean and include the commissioner of traffic of the city or an official possessing authority as such a commissioner.

1-a. Creation; traffic camera violations bureau. Notwithstanding the provisions of subdivision one of this section, in any county, city, village, or town as hereinbefore or hereafter required to establish a tribunal pursuant to subdivision one-a of section two hundred thirty-five of this article, such tribunal when created shall be known as the traffic camera violations bureau and shall have jurisdiction to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter.

2. Personnel. a. The head of any such bureau established pursuant to subdivisions one and one-a of this section shall be the director, who shall be appointed by the commissioner. The director may exercise or delegate any of the functions, powers and duties conferred upon the director or the bureau by the commissioner to any qualified officer or employee of the bureau.

b. The commissioner may appoint such number of deputy directors as the commissioner shall deem necessary, but in no event to exceed four and may employ such officers and employees as may be required to perform the work of the bureau, within the amounts available therefor by appropriation.

c. The commissioner shall appoint supervising hearing examiners not to exceed six in number and senior hearing examiners, not to exceed six in number. Every supervising hearing examiner shall have been admitted to the practice of law in the state for at least seven years and every senior hearing examiner for at least six years. The duties of each supervising hearing examiner and senior hearing examiner shall include, but not be limited to: (1) presiding at hearings for the adjudication of

charges of parking violations and/or, as applicable, the liability of owners as authorized pursuant to section two hundred thirty-seven and subdivision one of section two hundred thirty-seven-a of this article; (2) the supervision and administration of the work of the bureau; and (3) membership on the appeals board of the bureau, as herein provided.

d. The commissioner shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations and/or, as applicable, the liability of owners as authorized pursuant to section two hundred thirty-seven and subdivision one of section two hundred thirty-seven-a of this article. Hearing examiners shall be appointed and shall serve for such number of sessions as may be determined by the commissioner and shall receive therefor, such remuneration as may be fixed. Such hearing examiners shall not be considered employees of the county, city, village, or town in which the administrative tribunal has been established. Every hearing examiner shall have been admitted to the practice of law in this state for a period of at least five years, except in cities having a population of one million or more persons where they shall have been admitted to such practice for a period of at least three years. Hearing examiners shall be appointed from a list of eligible candidates who have satisfied the standards established by a duly constituted committee of the bar association of the county in which the city, village, or town is located, or the association of the bar of that city.

2-a. Notwithstanding any other provision of law, in cities with a population of one million or more, for purposes of this article a parking violation shall include a violation of section eleven hundred seventy-five of this chapter, provided that notice to the operator of the vehicle is provided in like manner as any other violation under this article.

3. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, the city of Rochester may provide by local law for the administrative adjudication in the parking violations bureau of the city of Rochester of violations of article seven of the agriculture and markets law or of any local law or ordinance adopted

pursuant thereto relating to the licensing, identification and control of dogs. Such violations shall be heard and determined in the same manner as charges of parking violations and a person charged with any such violation shall have all the rights to a hearing, administrative adjudication and judicial review which a person charged with a parking violation has. The parking violations bureau shall have all the functions, powers and duties with respect to such violations as are granted with respect to parking violations. Such violations shall be punishable by a civil penalty which shall not exceed the amounts set out in article seven of the agriculture and markets law. All moneys collected shall be the property of the city of Rochester.

4. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, the city of Buffalo may provide by local law for the administrative adjudication in the parking violations bureau of the city of Buffalo of violations of the city's ordinances relating to the maintenance and utilization of streets and sidewalks in the city of Buffalo. Such violations shall be heard and determined in the same manner as charges of parking violations and a person charged with any such violation shall have all the rights to a hearing, administrative adjudication and judicial review which a person charged with a parking violation has. The parking violations bureau shall have all the functions, powers and duties with respect to such violations as are granted with respect to parking violations. Such violations shall be punishable by a civil penalty. All moneys collected shall be the property of the city of Buffalo.

5. Release of an illegally parked vehicle. a. A parking violations bureau of a city with a population of one million or more persons may impose vehicle release penalties in accordance with the provisions of paragraph b of this subdivision, provided that the commissioner of transportation of such city has established a procedure for the towing and impoundment of illegally parked vehicles which permits the release, at the site of the underlying parking violation, of an illegally parked vehicle which has been hooked to a tow truck in preparation for towing from such site if:

(1) the owner or other person lawfully entitled to the possession of

such vehicle appears and requests the release of such vehicle before the tow truck is in motion,

(2) such owner or other person has a current valid driver's license,

(3) such owner or other person presents either a registration card or title for the vehicle, and

(4) such owner or other person consents, in writing, to the imposition of a vehicle release penalty for the underlying parking violation in accordance with paragraph b of this subdivision.

b. Where a vehicle that is illegally parked is released from a tow truck under the circumstances described in paragraph a of this subdivision, a vehicle release penalty, in an amount which shall not exceed one-half of the fee charged by the department of transportation of such city for the towing of illegally parked vehicles shall, upon a plea of guilty, a final determination sustaining the charges or upon default, be added to the amount of fines and penalties imposed for the underlying parking violation. The provisions of subdivision two of section two hundred thirty-seven of this article that limit the amount of monetary penalties which may be imposed for a parking violation shall not apply to such vehicle release penalty. In no event shall a vehicle release penalty be imposed pursuant to this subdivision if the underlying parking violation is dismissed. The parking violations bureau of such city may prescribe penalties for non-payment of such vehicle release penalty which shall be consistent with section two hundred thirty-five of this article.